

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

**SPACE EXPLORATION
TECHNOLOGIES CORP.,**

Plaintiff,

v.

**NATIONAL LABOR RELATIONS
BOARD, a federal administrative agency,
JENNIFER ABRUZZO, in her official
capacity as the General Counsel of the
National Labor Relations Board, LAUREN
M. McFERRAN, in her official capacity as
the Chairman of the National Labor
Relations Board, MARVIN E. KAPLAN,
GWYNNE A. WILCOX, and DAVID M.
PROUTY, in their official capacities as
Board Members of the National Labor
Relations Board, and JOHN DOE in his
official capacity as an Administrative Law
Judge of the National Labor Relations
Board,**

Defendants.

Civil Action No. 1:24-cv-00001

**PLAINTIFF’S NOTICE OF CENTRAL DISTRICT OF CALIFORNIA ORDER
AGREEING TO RETRANSFER THE CASE UPON THIS COURT’S REQUEST**

On February 26, 2024, the Fifth Circuit ruled that it “still has jurisdiction over this case” because it had stayed this Court’s transfer order on February 19, 2024, before the Central District of California had docketed the case. Dkt. No. 83, at 3 (Fifth Circuit Order). But because the Central District of California docketed the case on February 23, 2024, the Fifth Circuit, acting “[i]n the interest of procedural consistency and comity,” ordered this Court to “to immediately REQUEST that the Central District of California return the transferred case to the Southern District of Texas, Brownsville Division.” *Id.*

On February 27, 2024, the Central District of California issued an order agreeing that it never obtained jurisdiction over this action and confirming that it will “return this action to the Southern District of Texas upon receipt of the request to return the case from the Southern District of Texas as ordered by the Fifth Circuit.” In Chambers Order, *SpaceX v. NLRB*, No. 2:24-cv-01352-CBM-AGR, Dkt. No. 103 (C.D. Cal. Feb. 27, 2024). Because that order does not appear to have been made available to this Court, Plaintiff respectfully gives notice of the order and submits a copy as Exhibit A.

Dated: February 29, 2024

Respectfully submitted,

By: s/ Catherine L. Eschbach

ROERIG, OLIVEIRA & FISHER, L.L.P.

David G. Oliveira
10225 N. Tenth Street
McAllen, TX 78504
doliveira@rofllp.com
(956) 393-6300

MORGAN LEWIS & BOCKIUS LLP

Catherine L. Eschbach
Attorney-In-Charge
1000 Louisiana Street, Suite 4000
Houston, TX 77002-50006
catherine.eschbach@morganlewis.com
(713) 890-5719

Harry I. Johnson, III (*pro hac vice*)
2049 Century Park East, Suite 700
Los Angeles, CA 90067-3109
harry.johnson@morganlewis.com
(310) 907-1000

Michael E. Kenneally (*pro hac vice*)
Amanda L. Salz (*pro hac vice*)
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004-2541
michael.kenneally@morganlewis.com
amanda.salz@morganlewis.com
(202) 739-3000

Attorneys for Space Exploration Technologies Corp.

CERTIFICATE OF SERVICE

I hereby certify that on February 29, 2024, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification to all parties of record.

s/ Catherine L. Eschbach
Catherine L. Eschbach